

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

DECEMBER 1, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on December 1, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor (9:35pm), Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Councilman-elect Steve Rosenthal and Councilwoman-elect Rosa Tragni were in attendance.

The following Resolution # 2005-470 (Award of Contract - ADA Improvements Mun. Complex) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-470

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO SBW, INC. TO PERFORM ACCESSIBILITY
RENOVATIONS AT THE TOWNSHIP OF MARLBORO
MUNICIPAL ANNEX BUILDING FOR THE DEPARTMENT OF
PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to perform accessibility renovations at the Township of Marlboro Municipal Annex Building for the Department of Public Works; and

WHEREAS, five (5) bids were received by the following vendors:

A. SBW, Inc. of 913 West Commodore Blvd, Jackson, New Jersey 08527 for a total amount of \$26,000.00;

B. Grafas Painting Contractors, Inc. of 20 E. Willow Street, Millburn, New Jersey 07041 for a total amount of \$34,000.00;

C. Gavan General Contracting, Inc. of 1500 N. Apple Street, Lakewood, New Jersey 08701 for a total amount of \$35,675.00;

E. W.M. Kohl Construction of 523 Newman Springs Road, Lincroft, New Jersey 07738 for a total amount of \$53,289.00;

D. Spring Valley Construction, Inc. of 933 Route 9 North, South Amboy, New Jersey 08879 for a total amount of \$89,000.00; and

WHEREAS, Administration and the Township Attorney have reviewed the bids received and recommend that the contract be awarded to SBW, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, SBW, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to perform accessibility renovations at the

Township of Marlboro Municipal Annex Building for the Department of Public Works be and hereby is awarded to SBW Inc., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and SBW, Inc. for the performance of accessibility renovations at the Township of Marlboro Municipal Annex Building for the Department of Public Works in an amount not to exceed \$26,000.00, and in accordance with the bid proposal submitted by SBW, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. SBW, Inc.
- b. Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Resolution # 2005-471 (Amend USDOJ Community Policing Grant - In School Cameras) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-471

RESOLUTION AUTHORIZING AN AMENDMENT TO GRANT APPLICATION
FOR THE UNITED STATES DEPARTMENT OF JUSTICE
SECURE OUR SCHOOLS PROGRAM

WHEREAS, the United States Department of Justice provides federal assistance ("grants") to local jurisdictions ; and

WHEREAS, the Township of Marlboro wishes to further the public interest by amending the original grant application to the amount of \$525,229.50 from the United

States Department of Justice, with the requirement of a \$262,614.75 local match; and

WHEREAS, this grant will be available through the COPS Secure Our Schools Program for a closed circuit and monitoring system; and

WHEREAS, the Federal Department of Justice shall determine if the application is complete and in conformance with the scope and intent of the Secure Our Schools Program, and notify the Township of the amount of the funding award; and

WHEREAS, the Township is agreeing to use the Federal funds in accordance with such applicable rules, regulations and statutes, and is willing to match the grant received in an amount of \$262,614.75 (subject to 2006 Budget adoption), contingent upon the contributions of the local district.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to any necessary documents, which shall be in a form acceptable to the Township Attorney, which may be required in connection with the aforesaid grant application process.

2. That the Township agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator
- b. Chief Financial Officer

The following Resolution # 2005-472 (Requesting Extension of Time - Safe Streets to Schools Grant) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-472

RESOLUTION REQUESTING EXTENSION OF TIME TO
AWARD CONTRACT - CURB AND SIDEWALK IMPROVEMENTS

WHEREAS, the New Jersey Department of Transportation (N.J.D.O.T.) is providing State funding to the Township of Marlboro in the form of a Municipal Aid Grant in the amount of \$50,000.00 in order to assist with the Curb and Sidewalk Improvements on Route 79 from the Marlboro High School to Route 520; and

WHEREAS, in order to qualify for the said funding, the N.J.D.O.T. had originally required that a construction contract covering the project be awarded on or before January 17, 2006; and

WHEREAS, an additional extension of time is necessary to obtain the NJDOT Highway Occupancy Permit needed for construction; and

WHEREAS, the Township of Marlboro would like the N.J.D.O.T. to grant an additional six (6) month extension of time within which the construction contract must be awarded so as to extend the date of award to July 17, 2006.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That it hereby requests the N.J.D.O.T. to grant the Township of Marlboro an additional six (6) month extension of time within which the construction contract associated with the curb and sidewalk improvements on State Highway 79 from the Marlboro Township High School to Route 520 to July 17, 2006.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation
(Attn: Robert Werkmeister, District 3 Engineer)
100 Daniels Way
Freehold, NJ 07728
- b. Mayor
- c. Township Engineer
- d. Project Engineer
- e. Business Administrator
- f. Township Attorney

The following Resolution # 2005-473 (Cancel Taxes - Midway Mobile) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-473

RESOLUTION CANCELING 2005 TAXES ON THE PROPERTY LEASED
BY THE MIDWAY MOBILE HOMEOWNER'S ASSOCIATION AT BLOCK 147,
LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which property is leased to the Midway Mobile Homeowner's Association (hereinafter the "tenant") and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2005 real estate taxes assessed against the property must be canceled.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the 2005 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$14,832.58, are hereby canceled.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Midway Mobile Homeowner's Association
- b. Shirley Giaquinto, Tax Collector
- c. Walter Kosul, Tax Assessor

On the advice of Township Attorney Andrew Bayer, the following Resolution # 2005-474 (Authorizing Release - Bokkisam v. Marlboro Twp.) was carried to the December 15th agenda.

The following Resolution # 2005-475 (Transfer) was introduced by reference, offered by Council Vice President Morelli, and seconded by Council President Pernice. Discussion followed, after which Council Vice President Morelli asked for legal expenses for the past 5 years. After discussion, the resolution was defeated on a roll call vote of 3 - 1 with Councilman Denkensohn voting no. (Absent: Cantor).

The following Resolution was removed from the consent agenda, introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2005-477 (Award of State Contract - Playground Equipment).

RESOLUTION # 2005-477

RESOLUTION AUTHORIZING THE PURCHASE OF A
CUSTOM POWERSCAPE PLUS SYSTEM FOR THE
TOWNSHIP OF MARLBORO SWIM CLUB
STATE CONTRACT #A59052

WHEREAS, the Marlboro Township Swim Club has recommended that the Township purchase a custom Powerscape Plus System from GameTime, Inc. c/o Marturano Recreation, PO Box 449, Bricktown, NJ 08723 under State Contract #A59052 for the amount of \$29,527.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said equipment to the Township of Marlboro Swim Club; and

WHEREAS, funds are available in Capital Account Number X-08-55-980-230 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase a custom Powerscape Plus System from GameTime, Inc. c/o Marturano Recreation, PO Box 449, Bricktown, NJ 08723 under State Contract #A59052 for the amount of \$29,527.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. GameTime, Inc. c/o Marturano Recreation, Bricktown, NJ
- b. Township Administrator Township Swim Club
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2005-476 (Award of State Contract - Vehicles - Police - 1 Durango, and Building - 1 Durango - 3 Dakotas) and Res. #2005-478 (Authorization to Bid Robertsville/Gordons Corner).

RESOLUTION # 2005-476

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO NEW 2006 DODGE DURANGOS AND THREE NEW 2006 DODGE DAKOTAS AND RELATED OPTIONS UNDER STATE CONTRACT #A53130

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase one (1) new 2006 Dodge Durango and related options from Warnock Fleet & Leasing, East Hanover, New Jersey under State Contract #A53130 for the amount of \$20,382.83; and

WHEREAS, the Marlboro Township Building Department has recommended that the Township purchase one (1) new 2006 Dodge Durango and three (3) new 2006 Dodge Dakotas and related options from Warnock Fleet & Leasing, East Hanover, New Jersey under State Contract #A53130 for the amount of \$72,302.77; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on

behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide new equipment to the Police and Building Departments; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase two (2) new 2006 Dodge Durangos and three (3) new 2006 Dodge Dakotas and related options from Warnock Fleet & Leasing, East Hanover, New Jersey under State Contract #A53130 for the amount of \$92,685.60.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Warnock Fleet of East Hanover, New Jersey
- b. Township Administrator
- c. Township Police Department
- d. Township Building Department
- e. Township Chief Financial Officer
- f. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2005-478

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

CAPITAL IMPROVEMENT PROJECT (CIP)
ROBERTSVILLE ROAD/GORDONS CORNER ROAD INTERSECTION
PHASE I IMPROVEMENTS

Item #12 (Tax Collector Resolutions) were carried to the December 15th agenda.

At 9:05PM, Council Vice President Morelli moved that the meeting go into executive session for reason of litigation.

This was seconded by Councilman Denkensohn, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-479

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 1st day of December, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

Council took a 15-minute recess.

At 10:20PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution # 2005-475 (Transfer) was introduced by reference, offered by Council President Pernice, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 1 in favor with Councilman Denkensohn voting no.

RESOLUTION # 2005-475

RESOLUTION AUTHORIZING BUDGET TRANSFERS DURING LAST TWO MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount

deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2005 Municipal Budget as follow:

From:

Current fund		
Unemployment Insurance	10,000.00	
Public Works OE		5,000.00
Finance OE	15,000.00	
Finance S&W	100.00	
Emergency Response S&W	22,700.00	
Emergency Management OE	10,000.00	
Current Fund total	62,800.00	
Swim Operating Salaries & Wages		
	150.00	
Swim Operating Total	150.00	

To:

Current Fund

Police S&W	25,000.00
Bond Interest	100.00
Solid Waste OE	
5,000.00	
Legal OE	32,700.00
	62,800.00
Current Fund total	

Swim Operating Interest on Bonds	
	150.00
	150.00
Swim Operating Total	

At 10:30PM, Council President Pernice moved that the meeting be adjourned. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 19, 2006

OFFERED BY: Pernice

AYES: 3

SECONDED BY: Cantor

NAYS: 0

ABSTAIN: Rosenthal/Tragni

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT